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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,171	06/08/1999	BRENT K. PARRISH	062891.0284	6443

7590

04/23/2003

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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/328,171

Applicant(s)

PARRISH ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7-12,14-18,20,21,23-26,28-31,33-38,40-54,56-60 and 62-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5,7-12,14-18,40-44,56-60 and 62-65 is/are allowed.
- 6) ☒ Claim(s) 20,21,23-25,28-31,33,35,36,45-49,51,52 and 66 is/are rejected.
- 7) ☒ Claim(s) 26,34,37,38,50,53 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed on February 5, 2003, only claims 2-5, 7-12, 14-18, 20, 21, 23-26, 28-31, 33-38, 40-54, 56-60, and 62-66 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 20, 23, 24, 28, 30, 31, 33, 35, 45, 46, 48, 49, 51, and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Ilyadis et al (U.S. Patent 5,898,694).

Regarding to claims 23, 33, 45, and 66, Ilyadis discloses a data packet (col. 2 lines 56-58); and an arbitration code (col. 3 lines 53-59) comprising a message priority code (col. 4 lines 56-62) and a sender address (col. 3 lines 33-38), a first value of the arbitration code (ARB_DATA) operable to be communicated using the network (col. 6

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lines 59-62) and to be compared with a network value to determine whether the sender may communicate the data packet to the receiver using the network (col. 6 lines 7-9), a second value of the arbitration code (ARB_ID_BIT) operable to be communicated using the network if the first value matches the network value (col. 8 lines 20-24), the first and second values of the arbitration code comprising first and second messages priority codes value (col. 2 lines 1-8).

Regarding to claims 24, 35, and 51, Ilydis discloses the message packet further comprising a destination code (col. 2 lines 56-60), the data packet operable to be communicated to one as a point-to-point (col. 2 lines 54-55).

Regarding to claims 20, 28 and 46, Ilyadis discloses the device is switching unit having a backplane (col. 3 lines 51-52) and the network comprises a control bus (col. 3 lines 16-17).

Regarding to claims 30 and 48, Ilyadis discloses the arbitration code comprises a message priority code (col. 4 lines 63-67) and a sender address (col. 2 lines 56-60).

Regarding to claims 31 and 49, Ilyadis discloses determining that the first value does not match the network value (col. 6 lines 21-23) and determining not to communicate the data packet (col. 6 lines 23-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25, 36, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilyadis in view of Takase et al (U.S. Patent 5,612,959).

Regarding to claims 25, 36, and 52, Ilyadis discloses a data packet (col. 2 lines 56-58); and an arbitration code (col. 3 lines 53-59) comprising a message priority code (col. 4 lines 56-62) and a sender address (col. 3 lines 33-38), a first value of the arbitration code (ARB_DATA) operable to be communicated using the network (col. 6 lines 59-62) and to be compared with a network value to determine whether the sender may communicate the data packet to the receiver using the network (col. 6 lines 7-9), and a destination code (col. 2 lines 56-60).

Ilyadis fails to teach for the destination code having values for a plurality of positions, each position corresponding to a particular receiver, the value of the positions identifying one or more receivers for the data packet.

However, Takase discloses the destination code having values for a plurality of positions (121, 123, 125), each position corresponding to a particular receiver (database), the values of the positions identifying one or more receivers for the data packet (Fig. 12 col. 9 lines 55-65).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the destination code as taught by Takase for point-to-multipoint logical link between the terminal equipment at the transmitting side and the multiple equipment at the receiving side.

6. Claims 21, 29 and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Ilyadis in view of Rothschild et al (U.S. Patent 5,822,523)

Regarding to claims 21, 29 and 47, Ilyadis discloses all the limitation with respect to claims 23, 33 and 45, except for the message packet is a physical layer message packet and the data packet comprises a message packet associated with a higher level protocol comprising one of Internet Protocol IP; Transmission Control Protocol TCP; and User Datagram Protocol UDP.

However, Rothschild discloses a computer network system with message packet using one of Internet Protocol IP; Transmission Control Protocol TCP; and User Datagram Protocol UDP (col. 3 lines 24-52).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include a message packet using one of the above protocols since these protocols are well known in the art to be use over the Internet.

Allowable Subject Matter

7. Claims 26, 34, 37, 38, 50, 53, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 2-5, 7-12, 14-18, 40-44, 56-60, and 62-65 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step or means for "a sender coupled to the network and operate to generate a message packet comprising an arbitration code and a data packet, the sender operable to communicate a first value of the arbitration code using the network and to determine a network value, the sender operable to compare the first value with the network value to determine whether the

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sender may communicate the data packet using the network", especially when such sender is considered within the specific structure recited in devices of claims 7 and 10. The prior art of record fails to teach or make obvious the step or means for "the sender operable to communicate the destination code to each receiver, each receiver having an associated receive code comprising values for a plurality of positions, each position corresponding to a particular receiver, each receiver operable to receive the destination code and to compare the value for at least one position of the destination code with the value for at least one position of the receive code, each receiver operable to determine whether to receive the data packet according to the comparison", especially when such sender is considered within the specific structure recited in device of claims 17, 43, and 59. The prior art of record fails to teach or make obvious the step or means for "the destination code operable to be communicate to each receiver, each receiver having an associated receive code comprising values for a plurality of positions, each position corresponding to a particular receiver, the destination code operable to receive by each receiver and the value for at least one position of the destination code compared with the value for at least one position of the receive code by the receiver to determine whether to receive the data packet", especially when such destination code is considered within the specific structure recited in device of claim 65.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers

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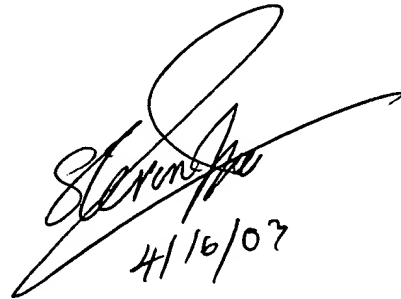
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for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

April 16, 2003

A handwritten signature in cursive script, followed by the date 4/16/03 written in a similar style.